

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

**Directions:** Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

<b>Appeal No. &amp; Caption</b>	15-2182 Wells Fargo Equipment Finance v. Nabil Asterbadi
<b>Originating No. &amp; Caption</b>	15-1371 Wells Fargo Equipment Finance v. Asterbadi
<b>Originating Court/Agency</b>	U.S. District Court Southern Division Maryland

<b>Jurisdiction</b> (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 USCA 1291	
Time allowed for filing in Court of Appeals	30 days	
Date of entry of order or judgment appealed	September 9, 2015	
Date notice of appeal or petition for review filed	October 2, 2015	
If cross appeal, date first appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final judgment or order?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

<b>Settlement</b> (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-521-4022.)		
Is settlement being discussed?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

<b>Transcript</b> (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has transcript been filed in district court?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

<b>Case Handling Requirements</b> (answer any that apply)		
Case number of any prior appeal in same case		
Case number of any pending appeal in same case		
Identification of any case pending in this Court or Supreme Court raising similar issue	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does case involve question of first impression?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

<b>Nature of Case</b> (Nature of case and disposition below. Attach additional page if necessary.)
<p>Plaintiff's assignor CIT obtained a judgment in USDC Eastern District of Virginia on October 4, 1993. The judgment was registered under 28 USC 1963 in the Southern Division of the U.S.D.C. for Maryland on August 27, 2003. The assignee judgment creditor (Wells Fargo) sought enforcement of the judgment. The judgment debtor (Asterbadi) moved for a protective order asserting that the judgment was no longer enforceable due to the passage of 20 years since its entry in the Eastern District in 1993 and was unenforceable as of 2013 and that Wells Fargo lacked standing because the assignment of the judgment was defective because Wells Fargo failed to comply with Md. Rule 2-624. Judge Grimm held that Wells Fargo had standing by virtue of the Assignment and Assumption Agreement that was an exhibit even though the assignment failed to mention any judgment against Asterbadi that was the subject of the assignment. Judge Grimm concluded that the statute of limitation issue on registered federal judgments under 28 USC 1963 now before the court was one of first impression in this district as to whether the registering of a federal judgment under 28 USC 1963 constituted a "new judgment" such that the statute of limitations commenced anew upon registration, namely 2003 and accordingly the Maryland statute of limitations of 12 years that commenced in 2003 and had not run.</p>

**Issues** (Non-binding statement of issues on appeal. Attach additional page if necessary)

When does the statute of limitations on enforcement of a federal judgment registered under 29 USCA 1963 begin to run?

Was there a valid assignment of the registered judgment to Wells Fargo Equipment Finance, Inc., such that they had a right to renew it and enforce it.

**Adverse Parties** (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Wells Fargo Equipment Finance, Inc

Attorney: Steven N. Leites, Esquire

Address: Leites Friedberg PC  
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E-mail: steven.leites@lf-pc.co

Phone: 410-581-7400

Adverse Party:

Attorney:

Address:

E-mail:

Phone:

**Adverse Parties (continued)**

Adverse Party:

Attorney:

Address:

E-mail:

Phone:

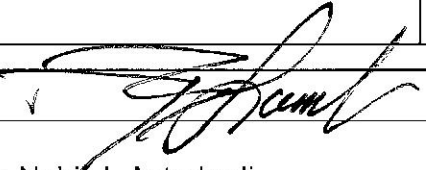


Adverse Party:

Attorney:

Address:

E-mail:

Phone:

<b>Appellant</b> (Attach additional page if necessary.)	
Name: Nabil J. Asterbadi  Attorney: David B. Lamb, Esquire Address: 1740 N Street, NW Suite One Washington, D.C. 20036  E-mail: dbi@lambsoffice.com  Phone: 202-785-4822	Name:  Attorney: Address:  E-mail:  Phone:
<b>Appellant (continued)</b>	
Name:  Attorney: Address:  E-mail:  Phone:	Name:  Attorney: Address:  E-mail:  Phone:
Signature:  Date: <u>10/12/15</u> Counsel for: <u>Nabil J. Asterbadi</u>	
<b>Certificate of Service:</b> I certify that on <u>10/13/15</u> the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below (Attach additional page if necessary):	
Steven N. Leitess, Esquire Leitess Friedberg PC 10451 Mill Run Vircle, Syuite 1000 Owings Mills, Maryland 21117Nabil J. Asterbadi	
Signature: 	Date: <u>10/13/15</u>